

ATTORNEY DOCKET NO.
066303.0112

PATENT APPLICATION
09/491,299

13

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed December 18, 2003. In order to advance prosecution of this Application, Claim 36 has been amended. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 36-39, 41-51, 53-65, 67-76, 78-81, 83, and 84 stand rejected under 35 U.S.C. §102(e) as being anticipated by Pelletier, et al. Applicant respectfully traverses this rejection.

Independent Claim 36 recites "... a voice gateway coupled to the telecommunications switch using the line, the voice gateway operable to receive the incoming call, to detect a unique distinctive ring assigned to the telephone number associated with the incoming call, and to communicate the incoming call according to the distinctive ring." Support for the above recitation can be found at page 14, lines 22-31, of Applicant's specification. By contrast, the Pelletier, et al. patent does not communicate the incoming call according to the distinctive ring. The Pelletier, et al. patent merely uses a distinctive ring to let a called party determine whether the incoming call came directly from a calling party or through its IP server. Thus, the distinctive ring of the Pelletier, et al. patent identifies how the incoming call was routed to the called party and does not determine how to communicate the incoming call as provided by the claimed invention.

Independent Claims 48 and 61 recite in general the ability to receive a first incoming call with a first distinctive ring from the line and to communicate the first incoming call to a first destination according to the first distinctive ring. As stated above, the Pelletier, et al. patent uses a distinctive ring to identify how the called

DAL01:786393.1

ATTORNEY DOCKET NO.
066303.0112

PATENT APPLICATION
09/491,299

14

party is receiving the incoming call and not for a determination of how the incoming call is to be communicated as provided by the claimed invention.

Independent Claims 75 and 80 recite in general the ability to identify an available unbundled line from the plurality of unbundled lines and to communicate the voice signal to the telecommunications switch using the available unbundled line. By contrast, the portion of the Pelletier, et al. patent cited by the Examiner to support this rejection merely shows a single dial up connection between the PSTN and the ITG. Thus, the Pelletier, et al. patent does not have a plurality of unbundled lines let alone an ability to identify an available one as provided by the claimed invention.

As shown above, the Pelletier, et al. patent is not sufficient to support the rejection of the claims. Therefore, Applicant respectfully submits that Claims 36-39, 41-51, 53-65, 67-76, 78-81, 83, and 84 are not anticipated by the Pelletier, et al. patent.

Claims 40, 52, 66, 77, and 82 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Pelletier, et al. in view of Lund. Independent Claim 36, from which Claim 40 depends; Independent Claim 48, from which Claim 52 depends; Independent Claim 61, from which Claim 66 depends; Independent Claim 75, from which Claim 77 depends; and Independent Claim 80, from which Claim 82 depends, have been shown above to be patentably distinct from the Pelletier, et al. patent. Moreover, the Lund patent does not include any additional disclosure combinable with the Pelletier, et al. patent that would be material to patentability of these claims. Therefore, Applicant respectfully submits that Claims 40, 52, 66, 77, and 82 are patentably distinct from the proposed Pelletier, et al. - Lund combination.

DAL01:786393.1

ATTORNEY DOCKET NO.
066303.0112

PATENT APPLICATION
09/491,299

15

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of Claims 36-84.

The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicants



Charles S. Fish

Reg. No. 35,870

March 18, 2004

Correspondence Address:

BAKER BOTTS L.L.P.

2001 Ross Avenue, Suite 600

Dallas, TX 75201-2980

214.953.6507

Customer Number: 05073

DAL01:786393.1